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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Allocation of Spectrum)
Below 5 GHz Transferred)
from Federal Government Use)

ET Docket No. 94-32

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JUN 30 1994

To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

REPLY COMMENTS
OF THE
INDUSTRIAL TELECOMMUNICATIONS ASSOCIATION, INC.

The Industrial Telecommunications Association, Inc. ("ITA") respectfully submits these Reply Comments for consideration by the Federal Communications Commission in the above-referenced proceeding.

I. REPLY COMMENTS

1. In its comments in this proceeding, ITA supported the Petition for Rule Making filed by the Coalition of Private Users of Emerging Multimedia Technologies ("COPE"). ITA urged the Commission to work in conjunction with the National Telecommunications and Information Administration ("NTIA") to allocate a suitable portion of Federal government spectrum for privately operated emerging technology systems. ITA stated that such an allocation is necessary because there are many highly specialized needs in the industrial, business and public safety sectors that PCS systems will be unable to serve

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2. Many of the comments filed in this proceeding support COPE's request for spectrum. These comments document the pressing need for an allocation of spectrum to accommodate private user-operated emerging technology systems. The Pillsbury Company, for example, cited the role that wireless imaging and decision processing/remote file access systems would serve in helping Pillsbury to improve efficiency in the food processing industry. Pillsbury noted that most common carrier-oriented PCS systems will not be able to adequately serve the special communication needs of industrial users.

3. Sun Services Corporation, a subsidiary of Sun Company, Inc., commented that there is a critical need for additional private communications channels to provide a productive and safe environment for its employees and the communities surrounding Sun Company's oil refineries and pipelines. Kerr-McGee Corporation stated that an allocation of spectrum for private user emerging technology systems is essential if this nation's industries are to compete effectively in the world economy in the next century.

4. Mitchell Energy & Development Corp. noted that its oil and gas exploration, production and processing systems are generally located in remote areas that are not served by common carriers. Mitchell stated that it is unlikely that carrier-provided PCS systems will ever offer the specialized data services that are essential for safe and efficient handling of hazardous materials.

5. The comments of John Eramo & Sons, Inc., a company involved in the construction industry, pointed out some of the potential uses of private emerging technology systems. Eramo & Sons stated that private emerging technology systems will play a vital role in satisfying safety requirements imposed by the Occupational Safety and Health Administration. To satisfy OSHA requirements, Eramo & Sons envision that it will be necessary to use direct slow scan television to monitor work crews involved in excavation projects.

6. The National Utility Contractors Association also supported COPE's request for spectrum to accommodate private emerging technology systems. This Association observed that there is a "compelling need" for a separate allocation of spectrum for private use.

7. The comments filed by various other parties, such as Webber Energy Fuels, the National Propane Gas Association, E. V. Williams Co. Inc., Westbank Electric Inc., and Phelps Sungas, Inc., expressed similar views. These parties believe it is critical that the Commission allocate spectrum for private user emerging technology systems. Based on the past experiences of these parties, it seems clear that carrier-provided systems will not be able to satisfy the specialized needs of industrial and business entities. For this reason and the other reasons set forth in ITA's comments, we urge the Commission to allocate spectrum to

accommodate private emerging technology systems.

8. ITA also notes that, as pointed out in the comments filed by COPE, Section 6002(a) of the 1993 Budget Reconciliation Act precludes the Commission from considering potential auction revenues as a decisional factor when allocating spectrum for new uses. ITA believes it is important to emphasize this point. Clearly, Congress did not intend the Commission's auction authority to influence or otherwise disturb the normal spectrum allocation processes.

9. Therefore, the Commission remains under an affirmative obligation to allocate spectrum as dictated by the public interest, convenience and necessity. The auctions legislation notwithstanding, the Commission must provide adequate spectrum for use by public safety and other private radio systems. Reallocating the Federal spectrum for private user emerging technology systems would be entirely consistent with both the Commission's statutory obligations and the 1993 Budget Reconciliation Act.

II. CONCLUSION

10. It is imperative that the Commission, acting in concert with NTIA, make a sincere attempt to accommodate the emerging technology needs of private users. ITA believes the Commission should allocate adequate spectrum to accommodate privately operated emerging technology systems. Many other participants in this

proceeding have expressed the same view.

11. ITA urges the Commission to allocate the 2390-2400 MHz and 2402-2417 MHz bands for private user emerging technology systems. Such an allocation would partially satisfy the spectrum requirement outlined in COPE's Petition for Rule Making. Such an allocation would also be consistent with the Commission's statutory obligations to allocate spectrum to serve the public interest, convenience and necessity.

WHEREFORE, THE PREMISES CONSIDERED, the Industrial Telecommunications Association, Inc. respectfully submits these Reply Comments and urges the Federal Communications Commission to act in accordance with the views expressed herein.

INDUSTRIAL TELECOMMUNICATIONS
ASSOCIATION, INC.

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